

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 00-6273-CR-HUCK

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CLERK'S OFFICE  
S.D. OF FL - MIAMI

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

ARIEL HERNANDEZ, et al.,

*Defendant,*

**MOTION TO WITHDRAW AS APPELLATE COUNSEL**

THE UNDERSIGNED COUNSEL, respectfully moves this Honorable Court to enter its Order permitting him to withdrawal as counsel for the defendant, and in support thereof would state:

1. The undersigned has represented the Defendant, Ariel Hernandez, pursuant to an appointment under the Criminal Justice Act. This representation in the District Court included all matters beginning shortly after Indictment and continuing through trial and sentencing. Further, the undersigned has preserved the Defendant's right to appeal the findings of the Jury and the District Court by timely filing a Notice of Appeal with the Eleventh Circuit Court of Appeals. That appeal remains pending at this time.

2. Subsequent to the imposition of Judgment and Sentence, there have arisen irreconcilable differences between the Defendant/Client and the undersigned which render it virtually impossible to maintain any meaningful attorney/client relationship. These differences have prevented the attorney and the client from being able to reach agreement on issues to be raised on appeal.

3. Additionally, the Defendant/Client has expressed his concerns that the undersigned may have overlooked or otherwise failed to raise certain issues and/or make certain objections during pre-

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United States v. Ariel Hernandez  
CASE NO. 00-6273-CR-HUCK

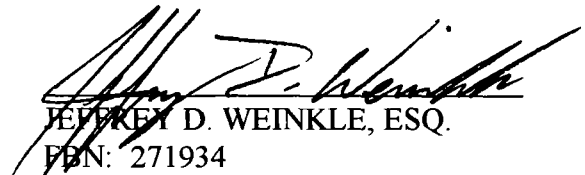
trial motions, trial and sentencing and he would prefer to have other counsel appointed for appellate purposes in order to review the manner in which trial counsel conducted these proceedings.

4. As of this date, the record is still being compiled. Within the last few days, Co-defendant, Massaro has retained new counsel, and no briefs have been filed on behalf of any party. The undersigned submits that permitting him to withdraw at this time would not prejudice any other party or cause any unreasonable delay in the proceedings.

5. The undersigned has conferred with AUSA Lawrence Lavecchio who has advised the undersigned that the Government has no objection to granting the relief sought herein.

WHEREFORE, the undersigned respectfully moves this Honorable Court to permit the him to withdraw as counsel of record for the Defendant for purposes of his appeal.

Respectfully submitted,

  
JEFFREY D. WEINKLE, ESQ.  
FBN: 271934

United States v. Ariel Hernandez  
CASE NO. 00-6273-CR-HUCK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this  
\_\_19th\_\_ day of \_\_July\_\_, 2002, to: UNITED STATES ATTORNEY'S OFFICE, AUSA  
**Lawrence Lavecchio**, 500 E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33394 (Fax: 954-356-  
7230); and to:

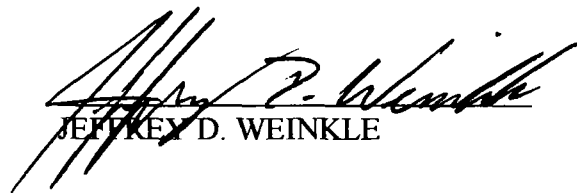
Stephen Rosen, Esq.  
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(Attorney for Trentacosta)

Mr. Ariel Hernandez  
c/o Broward County Jail  
555 SE First Ave  
Ft Laud, FL 33301  
(Also read to Mr. Hernandez during a  
telephone conference on July 17, 2002)

HADDAD & HESTER, P.A.  
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JEFFREY D. WEINKLE